United Nations E/C.19/2007/5

Economic and Social Council

Distr.: General
9 March 2007

Original: English

Permanent Forum on Indigenous Issues
Sixth session
New York, 14-25 May 2007
Item 9 of the provisional agenda*
Future work of the Forum, including emerging issues

Analysis and state of implementation of the recommendations of the Permanent Forum at its fourth session

Summary

At its fifth session, the Permanent Forum decided to extend the mandate of the special rapporteurs, Victoria Tauli-Corpuz and Wilton Littlechild, in order that they might deal with the recommendations aimed at rationalization, clustering and avoiding duplication made at previous sessions of the Forum (E/2006/43, para. 145).

The present report was prepared in accordance with the above decision of the Forum.

* E/C.19/2007/1.

07-26618 (E) 270307

I. Introduction

1. The present document is in follow-up to a similar document, entitled "Analysis and state of implementation of recommendations of the Permanent Forum on Indigenous Issues" at its first to third sessions (E/C.19/2006/9), prepared by the Special Rapporteurs to the fifth session of the Forum in May 2006.

2. The present document also builds on the reports of the secretariat of the Forum and reports submitted from the United Nations system, some Governments and indigenous organizations.

3. The present document continues the analysis of recommendations, focusing on those of the fourth session, held in 2005, in order to assist the rationalization and follow-up of some recommendations.[1] At its fourth session, the Forum made in total 140 recommendations in the category "Matters brought to the attention of the Economic and Social Council". An introductory phrase used by the Forum in its annual report states that "the Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, United Nations system and intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization". These recommendations are mainly addressed to the United Nations system, regional intergovernmental organizations, Governments and indigenous peoples' organizations. On the basis of the state of implementation provided in the database prepared by the secretariat of the Forum (http://www.un.org/esa/socdev/unpfii/en/recommendations.htm), as at February 2007, of 140 recommendations, 14 have been completed and 73 are in the process of implementation. There is no information regarding the status of 53 recommendations.

4. The Forum made many more recommendations at its fourth session than it did at previous sessions. From its first to third sessions, the Forum made 294 recommendations in all.

5. An additional group of recommendations has arisen from the international expert workshops held on specific issues following decisions of the Forum. For the period under the review, this includes four workshops: (a) on data collection and disaggregation, held in 2004; (b) on free, prior and informed consent, held in 2005; (c) on the Millennium Development Goals, indigenous participation and good governance, held in 2006; and (d) on the Convention on Biological Diversity's international regime on access and benefit-sharing and indigenous peoples' rights, held in 2007. Although not all of the recommendations of the workshops have been included by the Forum in its recommendations due to the volume and length of recommendations, it is important to see how the recommendations from those workshops can be implemented. The report of the 2007 workshop had not yet been considered by the Forum as at the issuing of the present document.

6. The secretariat of the Forum provides a database on the recommendations (see www.un.org/esa/socdev/unpfii) based on information received from United Nations agencies, funds and programmes, Governments and indigenous organizations. For

[1] The implementation of recommendations made by the Permanent Forum at its fifth session will be assessed after the required deadline for the submission of the present report and thus will have to be taken into account by the Forum after the conclusion of its sixth session.

the Forum's fourth session, the secretariat prepared an overview of developments on mandated areas and ongoing priorities and themes (E/C.19/2005/8). This report covered:

(a) The contributions of the United Nations system, including contributions by individual agencies and the Inter-Agency Support Group on Indigenous Issues;

(b) Activities of the members of the Forum;

(c) Activities of the secretariat in support of the mandate of the Forum, including follow-up to the recommendations.

7. The members of the Inter-Agency Support Group have also provided their own views on how to strengthen the work of the Forum within the United Nations system, including suggestions on how to increase possibilities for implementing the recommendations.

8. The written submissions to the Forum by the various United Nations bodies, agencies and funds and Governments describe their policies, programmes and projects related to indigenous peoples' issues and how they have implemented recommendations from the Forum that are addressed to them specifically or other work they do related to indigenous peoples. An average of 30 written contributions was submitted to each session of the Forum. For the fourth session, 15 were from the United Nations system, while 3 were from Governments and 1 from the Forum's members. The low number of submissions from Governments and indigenous non-governmental organizations is at times compensated by their active participation in the sessions and the more than 50 side-events organized during the session.

II. Analysis of recommendations

9. At its fourth session, the Forum's special theme focused on the theme "the Millennium Development Goals and indigenous peoples: redefining the Goals". A significant number of recommendations of the fourth session focused on the Millennium Development Goals. These recommendations can be seen in two categories: one addresses substance and the other, processes. The first category brings in indigenous perspectives in each mandated area of the Forum, whether it is regarding education, the environment, health, human rights or economic and social development with particular relevance to the achievement of the Millennium Development Goals. This category of recommendations articulates in depth and substance what the Millennium Development Goals mean for indigenous peoples and what specific action the United Nations system and other intergovernmental actors and States should take. The second category of recommendations addresses processes, meaning how to ensure that indigenous perspectives can be heard and taken into account. In this regard, the Forum has identified free, prior and informed consent as an important principle and also a methodology. The Forum also identified elements of genuine partnerships in any matters affecting indigenous peoples directly or indirectly. Indigenous peoples' understandings of development, for example, can be partly or completely different from that of the dominant mainstream development model and the Forum clearly promotes the respect of indigenous visions of development. In the recommendations on the Millennium Development Goals, the Forum firmly indicated that a shift of the development

paradigm is needed in order to integrate indigenous perspectives of development, although this may be challenging.

10. It should also be noted that a number of recommendations are made annually on ongoing priorities and themes addressing human rights, indigenous women and children and youth, data collection and disaggregation, and free, prior and informed consent. Some of these and other recommendations may seem to be repetitive, but this needs to be analysed and understood at two levels. On the one hand, recommendations on principles such as equality, non-discrimination and the call for the wider ratification of international human rights standards to protect indigenous peoples' human rights must be reiterated. On the other hand, the repetition shows the status of non-implementation of earlier recommendations, and the Forum decides to reiterate recommendations with a view to stressing their importance and relevance. For example, the Forum's recommendation that the World Health Organization, in conjunction with indigenous health providers, undertake a study on the prevalence and causes of suicide among indigenous youth, and efforts being undertaken, including culturally based approaches, to address suicide prevention and the promotion of mental health and wellness, is repeated at its second and fourth sessions. In the fourth session, the Forum reiterates the recommendations contained in its report on its second session and strongly advises positive consideration of the Global Fund to Fight AIDS, Tuberculosis and Malaria and the Joint United Nations Programme on HIV/AIDS joining the Inter-Agency Support Group.

III. Status of implementation of recommendations

11. In terms of generating data and information on the implementation of recommendations, many new initiatives have been undertaken and made known to the Forum. The written submissions of the United Nations system are additional sources of information on what these bodies are doing to address indigenous issues. There are still recommendations for developing policy guidelines to work with indigenous peoples that have not been followed by the concerned agencies. This may be due to the fact that any policy development work would take considerable time to ensure broader and extensive consultations at all levels. Some other recommendations require substantive preparation and resources by agencies or institutions and have therefore taken time to implement. One example is the preparation of a report on the state of the world's indigenous peoples recommended by the Forum at its first session. It was only possible to start the preparatory work in 2006 and the report is due to be published in 2008. Similarly, a dialogue between the Forum's members and international financial institutions recommended at the first session only occurred in 2005 and in 2006.

12. Many recommendations, especially those that require short and medium-term time frames, have been implemented. Some activities, however, have not been fully reported. The source of information for reports and the database prepared by the secretariat is mainly written submissions. The oral presentations made from the floor during the plenary meetings of the Forum have not yet been included in the analysis. For instance, only three to nine Governments made written submissions. Considering that almost all the States members of the Economic and Social Council are present at the plenary meetings of the Forum and some of them made statements, it may be useful to review these speeches or the daily press releases issued by the Department of Public Information on Forum debates to take full note of what was

reported. It should be noted, however, that it is more practical in the field of public policy to make written submissions on progress made on indigenous issues.

13. Some of the recommendations on enhancing indigenous peoples' participation in intergovernmental and governmental processes are being implemented. For example, numerous invitations have been received by members of the Forum from United Nations entities, including an invitation to be observers at the Governing Council of the International Fund for Agricultural Development (IFAD). Indigenous persons have also been included in the advisory bodies of a number of United Nations entities. Additional voluntary funds have been established by the World Intellectual Property Organization and the Convention on Biological Diversity to facilitate the participation of indigenous persons in various intergovernmental processes.

14. Recommendations addressed to indigenous organizations are seen as too broad and general for implementation, while some of the recommendations have not taken into account the substantive technical and financial resources needed in order for grass-roots indigenous organizations to implement them.

15. In relation to capacity-building processes, some agencies have conducted training sessions for their staff and other interested parties. This practice should be continued by agencies and extend to their field offices.

16. It should be noted that apart from the Inter-American Development Bank, regional intergovernmental institutions have not yet submitted their contributions to the Forum. This was also one of the rationales for why the Forum decided to hold two half-day discussions of regional focus for the fifth and sixth sessions, one on Africa and one on Asia, so as to draw out the experiences of the regional organizations, Governments and indigenous organizations.

IV. Facilitating factors for the implementation of recommendations

17. Facilitating factors include the following:

(a) Some United Nations bodies are already implementing programmes specifically targeted at indigenous peoples and some have written policies on indigenous peoples. The recommendations of the Forum have provided further justification for continuing, expanding or replicating such activities;

(b) The Forum's clear mandate to provide expert advice and facilitate coordination and integration of indigenous issues has given more weight to the recommendations emerging from its sessions. Some of these recommendations have their origin in several other processes, such as the Working Group on Indigenous Populations or the working group of the Convention on Biological Diversity on article 8 (j). However, those groups do not have mandates similar to that of the Forum. Since it is expected that United Nations entities will attend subsequent sessions of the Forum, it is a good practice for them to report, and to include in their report some analysis, on which recommendations have been implemented and which have not and for what reason;

(c) The role played by the secretariat of the Forum in providing United Nations bodies with the final reports and recommendations that are specifically

addressed to each body, including follow-up and support, especially in the case of joint activities, has contributed to the implementation of several recommendations;

(d) Active engagement and commitment of the focal point in each United Nations body to pursue the implementation of the recommendations assigned to her or his agency and partnerships created between the Forum and others are key factors for facilitating the implementation of programmes and projects;

(e) The moral and financial support coming from members of the Inter-Agency Support Group, especially if two or more members collaborate to implement a recommendation, can be another facilitating factor;

(f) Indigenous peoples' issues are cutting-edge issues that challenge dominant paradigms and thus are found challenging since they entail developing new discourses and implementing development and human rights work in non-traditional ways. Some United Nations and government personnel have successfully addressed these challenges;

(g) A number of indigenous leaders or non-indigenous advocates, whether members of the Forum or not, work closely with some United Nations bodies that have engaged them to provide advice and support in implementing recommendations;

(h) If additional resources are needed for implementation, some United Nations bodies allot money to ensure the implementation of recommendations considered important. Despite the fact that many United Nations agencies, funds and programmes have a focal point on indigenous issues, this is often only one of their tasks. Support from their institutions, coupled with the active engagement of Forum members in providing advice and support, have contributed to successful implementation.

V. Constraints or obstacles to the implementation of recommendations

18. Constraints or obstacles include:

(a) Some recommendations require substantial financial resources that are not included in the budget of agencies, programmes and funds. These recommendations remain unimplemented;

(b) Many of the recommendations that call for studies to be undertaken have not yet been implemented. The lack of financial and human resources within the relevant bodies to carry out such projects is the likely reason for the non-implementation of some recommendations;

(c) Lack of awareness on indigenous peoples and their issues among staff, senior management officials or governing bodies who make key decisions is another constraint;

(d) Indigenous issues remain a low or non-priority within many United Nations bodies and Governments;

(e) Lack of capacity to implement the recommendations on the part of some bodies is another constraint. Most often, the focal points on indigenous issues have

numerous other competing responsibilities. As a result, they are not in a position to adequately promote the implementation of recommendations addressed to their institutions;

(f) Indigenous peoples' issues challenge dominant paradigms and ways of doing things, which may be a source of discomfort for some United Nations staff and also for government officials.

VI. Conclusions and recommendations

19. **The Forum's high authority and its engagement in addressing the Millennium Development Goals and indigenous peoples since its fourth session have significantly contributed to the shifting of approaches to development, the formulation of conceptual frameworks, policies and guidelines and the creation of projects concerning indigenous peoples.**

20. **The Forum is able to carry out its mandate by identifying priority recommendations that should be implemented and special themes for its sessions. The task of choosing which expert workshops will enjoy support from the regular budget is not easy. This is a fine balancing act, which must consider the interests of indigenous peoples, the United Nations programmes, agencies and funds and Member States. The active participation of many representatives of United Nations programmes, agencies and funds, Governments and indigenous peoples' representatives in the annual expert workshops of the Forum is an indication of the interest of all parties in coming up with constructive solutions to address these issues.**

21. **The choice of special themes for the sessions, including themes on indigenous children and youth, indigenous women and the Millennium Development Goals, was crucial. The choice to start with the most vulnerable sectors among indigenous peoples gave the right signal to all actors, Governments, the United Nations system and indigenous peoples. The recommendations that emerged from these processes were aligned with the priorities of these actors. This contributed to the positive atmosphere that has prevailed in the sessions of the Forum.**

22. **The role played by the Inter-Agency Support Group, which now includes 30 intergovernmental entities among its members, in terms of pursuing further discussions on how to implement the recommendations and how to strengthen the relationship between the Forum and the Group, contributed positively to the work of the Forum. The Group's substantial contributions in the areas of elaborating and disseminating more widely the issues being discussed helped further the implementation of recommendations.**

23. **Developing more effective partnerships between indigenous peoples and other development actors is one way to ensure a better implementation of the recommendations. The recommendations of the workshop on partnership-building held in 2006 in Nuuk should guide these efforts (E/C.19/2006/4/Add.2).**

24. **The secretariat's database of the Forum's recommendations has proven a very useful tool for monitoring the status and progress of the implementation of recommendations. It should be noted that the information on the status of implementation is provided mostly by United Nations system agencies, funds**

and programmes and, in some cases, by a few Governments in their annual reports to the Forum. The indigenous peoples' organizations usually gave their evaluation of the implementation status from the floor; this has not always been systematically processed or properly analysed. The indigenous caucuses usually submit their recommendations to the Forum's members, who, in turn, try to reflect them in the Forum's final recommendations. With a view to fully and effectively engaging indigenous peoples in the implementation of the Forum's recommendations, agencies, funds and programmes are encouraged to consult indigenous peoples during the session before making their recommendations to the Forum.

25. More Governments and indigenous peoples' organizations should be encouraged to submit written reports on how they have implemented the recommendations addressed to them, including a description and analysis of facilitating and hindering factors and recommendations on how to address obstacles.

26. Indigenous peoples' organizations should be encouraged to engage in their own monitoring of the implementation of Forum recommendations to the United Nations system and others at the local, country and regional levels. Reports may be submitted to the Forum by indigenous peoples' organizations in order to inform the Forum's understanding of the level of implementation of its recommendations.

27. In the past five years, there has been a noticeable increase in the participation of United Nations and other intergovernmental entities in the sessions and expert workshops of the Forum. The participation of such treaty bodies as the Committee on the Rights of the Child is important because it links the work done by treaty bodies with that of such bodies as the United Nations Children's Fund (UNICEF) and other agencies dealing with children's issues. The participation of the European Council, the Economic Commission for Latin America and the Caribbean and the Asian Development Bank provides more regional perspectives, which the Forum needs to better understand, since its influence must reach down to the regional, national and local levels. Regionally based agencies and intergovernmental organizations are encouraged to participate further in the session.

28. It has been observed that there is still some resistance to suggestions that three or more United Nations bodies should work together on joint projects in specific areas so that more positive experiences in terms of complementarity and building synergies can be seen. This would ensure that indigenous peoples are not overlooked owing to turf wars between development agencies.

29. The Forum secretariat's efforts to prepare annual overview reports, the *Message Stick* (the Forum's quarterly newsletter) and the database on the implementation of recommendations should be sustained. The secretariat should also review speeches delivered during Forum sessions and note references made to the implementation of recommendations, which should be added to information provided in written submissions.

30. The Inter-Agency Support Group should continue to play the role of analysing Forum recommendations and making suggestions on how best to ensure their implementation by the appropriate bodies. This should include

proposals on how the recommendations should be packaged and information that indigenous peoples can use to influence decisions within the United Nations system.

31. **It would be useful if the Forum's members, in cooperation with agencies and indigenous peoples' organizations, could strengthen efforts to reduce the number of recommendations at the annual sessions.**

32. **In terms of furthering the discourse on and practice of holistic self-determined development for indigenous peoples, there should be more dialogue among indigenous peoples and between them and intergovernmental and governmental bodies, so as to further refine concepts and reach agreements on how recommendations can better be implemented.**